

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,)	Criminal No. 18-301(1) (PJS/SER)
)	
Plaintiff,)	JOINT STATEMENT REGARDING
v.)	CARES ACT
)	
SEYED SAJJAD SHAHIDIAN,)	
)	
Defendant.)	

On March 27, 2020, Congress passed the CARES Act, Pub. L. No. 116-136, which allows federal courts that have been materially affected by the coronavirus outbreak to authorize the use of video teleconferencing for certain criminal proceedings. Id. § 15002. Specifically, felony plea and sentencing hearings may be conducted by video teleconference if (1) “the Judicial Conference of the United States finds that emergency conditions . . . with respect to the Coronavirus Disease 2019 (COVID-19) will materially affect the functioning of [] the federal courts,” (2) the chief judge of a district finds that felony pleas and sentencings “cannot be conducted in person without seriously jeopardizing public health and safety,” and (3) “the district judge in a particular case finds for specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice.” Id. § 15002(b)(2).

On March 29, 2020, the Judicial Conference made the required finding that emergency conditions due to COVID-19 will materially affect the functioning of the federal courts. See Judiciary Authorizes Video/Audio Access During COVID-19 Pandemic (March 31, 2020), <https://www.uscourts.gov/news/2020/03/31/judiciary-authorizes->

videoaudio-access-during-covid-19. On March 30, 2020, the Chief Judge for the District of Minnesota issued General Order No. 5, In Re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19, in which he found felony pleas and felony sentencings in the District of Minnesota “cannot be conducted in person without seriously jeopardizing public health and safety.” The Chief Judge ordered [I]f a judge in an individual case finds, for specific reasons, that a felony plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice, the judge may, with the consent of the defendant after consultation with counsel, use video conferencing, or teleconferencing if video conferencing is not reasonably available, for the felony plea or sentencing in that case. *Id.* ¶ 2.

Because the Judicial Conference and the Chief Judge of the District of Minnesota have made the required findings under the CARES Act, and because defendant and counsel have agreed to appear by video teleconference, to proceed with the change of plea and sentencing hearings this Court need only find specific reasons that the change of plea and sentencing hearings in this matter cannot be further delayed without serious harm to the interests of justice.

In this case, Mr. Shahidian was arrested in London, England on November 11, 2018 on a criminal complaint filed on February 5, 2017 by the United States Attorney District of Minnesota. An indictment was filed on December 18, 2018 charging Mr. Shahidian with Conspiracy to Defraud and Commit Offenses against the United States and several other crimes. He remained in a London prison until he was extradited to the United States in May 2020. Mr. Shahidian currently is an inmate at the Sherburne County Jail. He faces

a maximum penalty of 60-months for his conduct from 2009 through 2018. At the time of his sentencing, he will be arguing for a downward variance and departure. Mr. Shahidian has completed a Presentence interview with the United States Probation Office. He is eager to resolve this criminal case so he can move on with his life. As such, he is consenting to appear via video for his change of plea and sentencing hearing.

Dated: June 12, 2020

Respectfully submitted,

s/ Manny Atwal

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